

REMARKS¹

By this Response, claims 2, 4-7, 9, and 10 remain pending and under examination.

Office Action

Applicants respectfully traverse the rejection of claims 2, 4-7, 9, and 10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,379,249 (Satsukawa) and U.S. Patent No. 5,853,324 (Kami), further in view of U.S. Patent No. 7,160,191 (Matsumoto).

I. Priority

Pursuant to 37 C.F.R. § 1.55(a)(4)(i)(B) and (a)(4)(ii), Applicants submit herewith an English language translation of Japanese Patent Application No. 2002-299521, filed October 11, 2002, of which the present application claims priority under 35 U.S.C. §119(a), and a statement by the translator that the English translation is accurate.

II. Rejections of Claims under 35 U.S.C. § 103(a)

Applicants request reconsideration and withdrawal of the rejection of claims 2, 4-7, 9, and 10 under 35 U.S.C. §103(a) as being obvious over Satsukawa and Kami in view of Matsumoto.

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

As noted above, pursuant to 37 C.F.R. § 1.55, Applicants submit herewith an English translation of their Japanese priority application foreign priority and a statement that the English translation is accurate. Therefore, by perfecting their claim for foreign priority, Applicants are entitled to rely on their foreign priority date to remove Matsumoto as prior art.

Specifically, Matsumoto was filed on January 30, 2003, which is later than Applicants' claimed priority date of October 11, 2002. Accordingly, by perfecting the foreign priority claim, Applicants have removed Matsumoto as a prior art reference.

The Office Action alleged that Matsumoto teaches "a feature that allows the player to control the player-character and control aspects of the fourth dimension, time," while admitting that the combination of Satsukawa and Kami does not disclose

the ability to change 'the time scale such that a display speed of at least the enemy-character and each one of the bullets fired from the enemy-character become slower when the visual effect request about the time scale is input, wherein the time scale changes regardless of whether the bullets fired hit a target' and 'displaying circumstances in the virtual space viewed from the virtual viewpoint on the screen where the enemy-character is located based on the changed time scale, wherein the time scale of the player in said displaying circumstances remains unchanged so that the player speed appears relatively faster than the speed of the enemy-character and the speed of each one of the bullets fired from the enemy-character.'

Office Action, pages 4-5. Even if the Examiner's characterization of Matsumoto is correct, which Applicants do not concede, Matsumoto is not available as a prior art reference to overcome the deficiencies of Satsukawa and Kami admitted by the Examiner.

Therefore, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Applicant therefore submits that independent claim 7 is not obvious over Satsukawa and Kami, whether taken alone or in combination.

Independent claim 7 should therefore be allowable. Dependent claims 2, 4-6, 9, and 10 should also be allowable at least by virtue of their dependence from base claim 7.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claims 2, 4-7, 9, and 10, and the allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: December 1, 2009

By: _____

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Attachments:

- (1) English translation of Japanese Patent Application No. 2002-299521, and
- (2) Statement pursuant to 37 C.F.R. § 1.55(a)(4)(ii).